

WILLIAM WHITSETT,)
 Petitioner,) 3:10-cv-00100-ECR-RAM
 vs.) **ORDER**
 STEFANIE HUMPHREY, *et al.*,)
 Respondents.)
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On February 18, 2011, petitioner filed a “motion to stay and abey,” which appears to be a request for an extension of time to inform the Court of his option. (ECF No. 13). To the extent that petitioner requested an extension, the motion is granted.

1 On May 23, 2011, petitioner filed a “motion to reopen case/request to dismiss Ground 3 with
2 prejudice.” (ECF No. 14). First, this action was never closed, therefore it cannot be reopened.
3 Second, the motion is better construed as a notice of abandonment, as petitioner states: “Petitioner
4 requests to dismiss Ground 3 of his petition for writ of habeas corpus, based on the fact that Ground
5 3 has been and is unexhausted.” (ECF No. 14, at p. 1). Petitioner continues with: “Petitioner
6 respectfully requests that petitioner be allowed to proceed upon Ground 1 and Ground 2.” (*Id.*). The
7 Court grants petitioner’s motion to voluntarily dismiss Ground 3 of the petition and proceed on
8 Grounds 1 and 2. Respondents shall now file their answer to the remaining grounds for relief.

9 **IT IS THEREFORE ORDERED** that petitioner’s motion at ECF No. 13, construed as a
10 motion for an extension of time, is **GRANTED**.

11 **IT IS FURTHER ORDERED** that petitioner’s motion at ECF No. 14, to dismiss Ground 3
12 of the petition and proceed on Grounds 1 and 2, is **GRANTED**.

13 **IT IS FURTHER ORDERED** that respondents shall have **thirty (30) days** from the date of
14 entry of this order to file their answer the remaining grounds of the petition.

15 **IT IS FURTHER ORDERED** that petitioner shall have **thirty (30) days** after the filing of
16 the answer to file a reply.

17 Dated this 22nd day of June, 2011.

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19 UNITED STATES DISTRICT JUDGE
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